

ATTACHMENT 1

COMPLAINT FORM

(for filers who are prisoners without lawyers)

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

BRIAN DeMARCO Mitchell

vs

(Full name of defendant(s))

WISCONSIN STATE PATROL
Trooper Keegan Dean Williams

Case Number:

23 CV 141 - WMC

(to be supplied by clerk of court)

A. PARTIES

1. Plaintiff is a citizen of WISCONSIN and is located at
(State)

MILWAUKEE SECURE DET. FACILITY 1015 N. 10th ST MILWAUKEE, WI 53233
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

2. Defendant Wisconsin State Patrol Trooper Keegan Williams
(Name)

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

and (if a person) resides at 21115 East Moreland Blvd. Waukesha, WI. 53186
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Wisconsin State Patrol 21115 E. Moreland Blvd. Waukesha, WI. 53186
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On December 22nd 2021 I was driving my 2012 Dodge Ram
1500 eastbound on Interstate 94. At approximately 1:17 am
I was approaching the Johnson Creek area and passing. At this
time I was driving in the "fast lane" furthest left lane in the
eastbound traffic. I noticed A dark colored vehicle tapping
the Brakes of the vehicle illuminating the Brake lights on
and off. I was able to determine that this vehicle was
facing eastbound and moving slowly parallel to the median
to the left of "fastlane" without any other lights illuminated

to make this vehicle visible at night. I desired to merge right into the middle lane of traffic to avoid passing this vehicle so closely, I was unable to do so because another vehicle was traveling closely in the middle lane of traffic. I decided to reduce speed a bit as approaching the vehicle. Once I passed the dark colored vehicle I used my mirrors and could tell that it merged out into the normal lanes of traffic the "fast lane" without it's headlights on. The vehicle traveling had gained enough distance from my vehicle for me to now do ^{to the right} A lane change to the middle lane, I did so by using my right turn signal. As I did I noticed the "dark colored vehicle" had increased speed at a high rate gaining on my vehicle, the vehicle then suddenly merged into the center lane, illuminated it's headlights and was closely tailing my vehicle. The vehicle closely followed my vehicle for 10-15 seconds, I then realized that it was law enforcement because the vehicle activated emergency flashers. I changed lanes by using turn signal and merging to the "slow lane" and ultimately again to enter the right shoulder of the interstate.

I was now the subject of a traffic stop without probable cause. At this point I had not committed any traffic violation(s).

The law enforcement officer later identified as Wisconsin State Patrol Trooper Keegan Dean Williams, took about 20 seconds before I noticed that he exited his vehicle and was approaching. By this time I had already obtained my "valid drivers license card" from my visor and had in hand ready to give to the officer. I am very familiar with the traffic stop process, I expected there would be no issues, I had not committed any traffic violations, was a valid driver and the vehicle was properly registered.

When Trooper Williams got to the driver door of my vehicle I raised down my window, I automatically handed my Drivers license card out the window to him. Trooper Williams then shined his flashlight on the D.L. Card, he then looked back at me and asked "Any drugs" "when is the last time you had marijuana in the car"? I answered "I don't have any marijuana in my car".

- It should be noted that Trooper Williams did not request me to lower my window; he did not request my drivers license, I automatically provided it; he did not mention why he conducted a traffic stop; he did not mention that he detected the odor of marijuana, and he never once requested me to exit my vehicle.

STATEMENT OF CLAIM - 3

Trooper Williams then violently began yanking on my door handle, my door would not open until I pressed the unlock button or pulled the interior door handle to automatically release the door. I pulled the door handle attempting to exit, when I did my driver door flew open, blew forward and bounced back now hitting Trooper Williams. Trooper Williams stumbled toward the interior of my vehicle grabbing at me is what I thought. I then put my truck into drive, began to drive away out of fear and closed my door. I was quickly then told by the passenger of my vehicle that "he was grabbing at the gun that she dropped after her trying to force me to raise down my driver window and allow her to toss it out.

- It should be noted that the passenger window of my truck was inoperable; and that the passenger of my vehicle had confessed to and claimed possession of the firearm in this matter since the day of the incident. (As evidenced by statements, and recordings)

I then re-pulled my vehicle over quickly and was arrested by Trooper Williams. Subsequently I was charged and prosecuted for possession of A firearm by felon, Trooper Williams version(s) of events is that he recovered A firearm

STATEMENT OF CLAIM - 4

After opening my driving side door during the traffic stop. Trooper Williams version is that he had probable cause to open my driver door to search; and detain me because he detected an odor of "RAW Marijuana".

It has previously been established in the United States District Court - Western District of Wisconsin CASE NO. 22-CR-36 that on Dec. 22, 2021 in this incident Trooper Williams 'did not' have probable cause to open my vehicle door and recover any item(s), and that his version of detecting the odor of "RAW Marijuana" is deemed incredible as a matter of law. Following that Trooper Williams Violated my 4th United States Constitutional right to be free from 'unreasonable' searches and seizures. In addition a fabrication of evidence inference was given, a Spoliation inference was given but not contested by Defense Counsel. This encounter was initiated by A traffic stop for alleged speeding violation, neither did Defense Counsel agree to raise the two later issues.

In this matter I the Plaintiff forward the issues Complaints and Constitutional violations at whole that occurred at the actions of WI. State Patrol Trooper Keegan Dean Williams.

STATEMENT OF CLAIM - 5

- On December 22, 2021 Trooper Williams seized my Vehicle by Traffic stop without probable cause.
- He then unexpectedly began yanking on my door handle as I unlocked the door he pulled it open and reached inside searching. In doing so he was searching without probable cause to do so.
- Trooper Williams then intentionally destroyed in bad faith the portion of his patrol/squad car video recordings that would reveal: That his Vehicle was not positioned where he claimed; That I could not be depicted speeding; That he followed my Vehicle for a lengthy amount of time; That he did not request for me to exit my vehicle and I declined; and the true and accurate version of events in this incident.
- Trooper Williams then fabricated the claim of detecting a odor of 'RAW marijuana' to support probable cause in judicial proceedings. Trooper Williams used this fabricated evidence in Citations, Police reports, Affidavits for search warrants, under oath multiple times, and used it to further prosecution for over a year.

* It should be noted that on January 19th 2023 Trooper Williams then submitted A sworn under oath Affidavit changing his version of events and recanting his sworn testimony, and reports.

STATEMENT OF CLAIM - 6

Trooper Williams knowingly and intentionally fabricated a speeding violation, and detecting the odor of marijuana that were necessary to the Probable Cause determination. When he unlawfully pulled open my car door he "engendered fear" and "provoked flight".

He continued to use the fabricated evidence to secure an indictment before a grand jury. He intentionally destroyed exculpatory evidence, he deliberately manufactured and fabricated a traffic violation. Continued confinement and prosecution occurred because of his malicious motive, this was intentional infliction of emotional distress.

Trooper Williams is the root of the unlawful seizure and search at which I suffered loss of liberty, was deprived due process, I suffered financial losses, and pain and suffering.

The Plaintiff intends to exhibit and prove all of Trooper Williams' misconduct and unlawful acts before a jury.

STATEMENT OF CLAIM - 7

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

The Court/jury shall award the following:

- Compensation of \$50,000 for the unlawful seizure and search
- Compensation of \$100,000 for intention infliction of emotional distress and Pain and Suffering
- Compensation of \$180,000 for Financial Loss (The loss of Plaintiff's Small Restaurant Business "Gladys Treats" in Milwaukee, WI.
- Award Punitive Damages of \$300,000 for Trooper William's Conduct motivated by evil intent, reckless indifference, and Particular desire to hurt the Plaintiff and violate protected rights
- Award all legal, Court, and Attorney Cost and Fees

E. JURY DEMAND

☒ Jury Demand - I want a jury to hear my case
OR

☐ Court Trial - I want a judge to hear my case

Dated this 15th day of February 2023.

Respectfully Submitted,

B. J. D. Mill
Signature of Plaintiff

569040
Plaintiff's Prisoner ID Number

Milwaukee Secure Det. Facility
1015 North 10th St. Milwaukee, WI. 53223
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.